

Michael K. Brown (SBN 104252)
Thomas J. Yoo (SBN 175118)
REED SMITH LLP
355 South Grand Avenue, Suite 2900
Los Angeles, CA 90071-1514
Telephone: 213.457.8000
Facsimile: 213.457.8080
Email: mkbrown@reeds.com
tyoo@reeds.com

Steven J. Boranian (SBN 174183)
REED SMITH LLP
Two Embarcadero Center, Suite 2000
San Francisco, CA 94111
Telephone: (415) 543-8700
Facsimile: (415) 391-8269
Email: sboranian@reedsmit.com

Andrea McDonald-Hicks (SBN 2198316)
REED SMITH LLP
1999 Harrison Street, Suite 2400
Oakland, CA 94612
Telephone: (510) 763-2000
Facsimile: (510) 273-8832
Email: amcdonald-hicks@reedsmith.com

Attorneys for Defendant
Merck & Co., Inc.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ANDREW GARRICK and VEL GARRICK.

Plaintiffs.

vs.

MERCK & COMPANY, INC., a New Jersey Corporation; MCKESSON CORPORATION, and DOE PHARMACEUTICAL COMPANIES 1 through 50, inclusive; DOE PHARMACIES 51 through 100, inclusive; DOES 101 through 200, inclusive.

Defendants.

No.: 2:06-cv-00281-LKK-JFM

**STIPULATION AND ORDER STAYING
PROCEEDINGS PENDING TRANSFER
TO *IN RE VIOXX PRODUCTS LIABILITY
LITIGATION*, MDL NO. 1657**

1 TO THE CLERK OF THE COURT OF THE UNITED STATES DISTRICT COURT FOR
2 THE EASTERN DISTRICT OF CALIFORNIA:

5 The parties, by and through their counsel, stipulate to and respectfully request a stay of all
6 proceedings in this action pending the transfer of this case to *In re VIOXX Products Liability*
7 *Litigation*, MDL No. 1657.

10 Plaintiffs allege personal injuries attributed to the prescription drug Vioxx®. Defendant
11 Merck & Co., Inc. (“Merck”) manufactured and distributed Vioxx, but voluntarily withdrew Vioxx
12 from the market on September 30, 2004.

14 On February 14, 2006, Merck, pursuant to Rule 7.5(c) of the Rules of Procedure of the
15 Judicial Panel on Multidistrict Litigation (“R.P.J.P.M.L.”), provided notice to the MDL Panel of the
16 pendency of this “tag-along” action and furnished the MDL Panel with a copy of the docket sheet
17 and complaint. Merck requested that the MDL Panel transfer this action to the multidistrict litigation
18 known as *In re Vioxx Products Liability Litigation*, MDL No. 1657, currently pending in the Eastern
19 District of Louisiana, District Judge Eldon Fallon presiding.

21 Merck anticipates that the MDL Panel will issue a Conditional Transfer Order that includes
22 this action shortly. Plaintiffs have indicated that they will not oppose the Conditional Transfer
23 Order.

25 A stay will potentially conserve judicial resources and will not cause unfair prejudice to the
26 parties. *See Rivers v. Walt Disney Co.*, 980 F. Supp. 1358, 1360 (C.D. Cal. 1997) (stay pending
27 MDL transfer decision action would further judicial economy because “any efforts on behalf of this
28 Court concerning case management will most likely have to be replicated by the judge that is

1 assigned to handle the consolidated litigation"). The parties agree to a stay of this case pending
2 transfer to the MDL.

3
4 Based on the foregoing, the parties respectfully request that the Court stay this action
5 pending its transfer to MDL No. 1657.

6
7 DATED: February ___, 2006.
8

9 REED SMITH LLP
10
11 By ____/s/
12 Andrea McDonald-Hicks
13 Attorneys for Defendant
14 Merck & Co., Inc.
15
16 DATED: February ___, 2006.
17
18 MARY ALEXANDER & ASSOCIATES, P.C.
19
20 By ____/s/
21 Mary E. Alexander
22 Attorneys for Plaintiffs
23 Andrew Garrick and Vel Garrick
24
25 DATED: February ___, 2006.
26
27 MORRIS POLICH & PURDY
28
29 By ____/s/
30 Kanika Corley
31 Attorney for Defendant
32 McKesson Corp.
33
34
35
36
37
38

[PROPOSED] ORDER

Having considered the foregoing stipulation, and good cause appearing therefore, IT IS SO ORDERED.

DATED: March 2, 2006

/s/Lawrence K. Karlton
Lawrence K. Karlton
Senior Judge